

## FREEDOM COURT REPORTING

Page 1

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF TEXAS  
3 MARSHALL DIVISION

4 \_\_\_\_\_  
5 \_\_\_\_\_

6 PATTY BEALL, MATTHEW  
7 MAXWELL, TALINA McELHANY and  
8 KELLY HAMPTON, Individually  
9 and on behalf of all other  
10 similarly situated,  
11 Plaintiffs,

12 v. 2:08-cv-422 TJW  
13 TYLER TECHNOLOGIES, INC., and  
14 EDP ENTERPRISES, INC.,  
15 Defendants.

16 \_\_\_\_\_  
17 \_\_\_\_\_

18 DEPOSITION OF  
19 JOY FLYNN

20  
21 At Raleigh, North Carolina  
22 Tuesday, July 27, 2010; 9:17 a.m.  
23 Reported by: Lindsey D. Cline, CVR

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1 A P P E A R A N C E S

2

3 For the Plaintiffs:

4 LAUREEN F. BAGLEY, ESQ.

5 Sloan, Bagley, Hatcher & Perry Law Firm

6 101 East Whaley Street

7 Longview, Texas 75606

8

9 For the Defendants:

10 PAULO B. McKEEBY, ESQ.

11 Morgan, Lewis & Bockius, LLP

12 1717 Main Street, Suite 3200

13 Dallas, Texas 75201-7347

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2 E X A M I N A T I O N S

3 EXAMINATION PAGE

4 Direct Examination by Mr. McKeeby 6

5 Cross Examination by Ms. Bagley --

6

7 T A B L E O F C O N T E N T S

8 E X H I B I T S

9 EXHIBITS DESCRIPTION MARKED/REFERENCED

10 Number 1 Letter 17/18

11 Number 2 Consent to Opt In 89/

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1 of try to get a list if I can. The reporting

2 functions --

3 A. Uh-huh. Run reports, yes.

4 Q. Okay. What other functions would -- and again,

5 I'm just talking about this three- to four-month

6 period while you were --

7 A. Yes.

8 Q. -- shadowing these other folks. What type of

9 other work would you do after the training? Run

10 reports. What are other examples?

11 A. Okay. Run reports. For example, at some work

12 sites, employee information had to be entered into

13 the system.

14 Q. Is that something you did during this --

15 A. Yes.

16 Q. -- three- to four-month period?

17 A. Yes. Also, when you go through the payroll

18 process, there's different steps that you have to

19 take. And there's certain processes that have to

20 be built on the screen. For example, state

21 reporting -- tax reporting. All of that type of

22 information has to be input into the system. So

23 that is like behind-the-scenes work that has to be

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1 done.

2 When the implementer would be doing the  
3 training, they would set up maybe two or three  
4 fictitious employees into the training system.  
5 But if a work site, for example, has three, four,  
6 five hundred employees, well, all those employee  
7 records have to be built into the system. So  
8 that's what I would assist with doing.

9 Q. But this is different than conversion, correct?

10 MS. BAGLEY: Object to the form.

11 THE WITNESS: I'm sorry?

12 MS. BAGLEY: I'm objecting to the form of the  
13 question.

14 MR. MCKEEBY: You can answer though.

15 MS. BAGLEY: You can answer if you understand  
16 the question.

17 THE WITNESS: Okay. When you say conversion,  
18 explain what you mean by conversion.

19 Q. (Mr. McKeeby) Okay. Does conversion -- let me  
20 ask you this. While you were at Tyler, did the  
21 term conversion have a particular meaning to you?

22 A. Yes.

23 Q. And what was that meaning? I want to use yours if

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1 we can.

2 A. Okay. My understanding was the clients were  
3 running their payroll processes on a older type  
4 system, so they were being converted over to the  
5 MUNIS-Tyler software that they would now be using.

6 So some of the information -- employee data  
7 information would transfer over into the new  
8 system. But all of it would not convert over into  
9 the new system. So that gap of information is  
10 what had to be manually input into the system.

11 Q. And that gap of information, as you described it,  
12 was done by a separate department at MUNIS,  
13 correct? They had a conversion department?

14 A. Yes, they did have a conversion --

15 MS. BAGLEY: Object to the form.

16 Q. (Mr. McKeeby) They did have a conversion  
17 department?

18 A. I believe they did have a conversion department.  
19 Those were the programmers that did the  
20 conversion.

21 Q. So what you described a moment ago as building  
22 employee records into the system is something  
23 different than what the conversion department

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1 programmers did, correct?

2 MS. BAGLEY: Objection. Misstates testimony.

3 Q. (Mr. McKeeby) You can answer.

4 A. Okay. Let me make sure I'm stating it correctly,  
5 okay?

6 Q. Okay.

7 A. At Tyler they have a group of programmers, and  
8 those programmers would take what was on the old  
9 system of the client's and upload it into the new  
10 software package that was going to be used.

11 Q. The Tyler software package?

12 A. The Tyler software package, correct. But some  
13 information still had to be manually built into  
14 the system. And so myself, as well as some of the  
15 employees at the client's site, would manually  
16 input that type of information.

17 Q. Okay. I think I understand. So this gap that you  
18 described of information that wasn't converted  
19 over needed to be manually put into the system?

20 A. That is correct.

21 Q. And that's something that you did as an  
22 implementation specialist?

23 A. That is correct.

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1 A. Let's see. Other than setting up, like I said,  
2 the missing information for reports, various data  
3 elements, that is all that I can recall.

4 Q. And when you were shadowing the more senior  
5 implementers, you didn't have anything to do with  
6 setting up the agenda for the training, did you?

7 A. No, I did not.

8 Q. Are you familiar, based on your employment with  
9 the Tyler -- based on your employment with Tyler  
10 -- of a concept called systems analysis?

11 A. No.

12 Q. Let me give you my understanding of what systems  
13 analysis means --

14 A. Okay.

15 Q. -- and maybe that will help; maybe not. But my  
16 understanding is that systems analysis means  
17 looking at the client's old software system and  
18 setup and discussing with the client different  
19 options of how that information can be utilized  
20 and flow through the Tyler systems. Sort of an  
21 initial meeting with the customer to have a dialog  
22 about how the Tyler system would work compared to  
23 their old system and getting input from the client

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1 about how to set up the Tyler software. Is that  
2 -- as I described that, does that refresh your  
3 recollection at all about --

4 A. Yes.

5 Q. -- that function?

6 A. Yes.

7 Q. Is that -- what do you call that? I am using the  
8 term systems analysis, and I don't know why.  
9 That's just my recollection. Is there something  
10 you used, or a phrase you used to describe that  
11 that's different from systems analysis?

12 A. Well, what would happen -- in the beginning when  
13 you first meet with a client, that's when they  
14 have the meetings to discuss what their system  
15 functionality currently is and where they want to  
16 see their system function in the future. So at  
17 the very initial meetings, that would be more  
18 senior persons that had those type of  
19 conversations. Like Penny or Rob or -- you know,  
20 higher level persons than myself. When I came  
21 into the situation, those conversations had  
22 already taken place. So it was more or less the  
23 day-to-day functionality that the employees would

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1 be doing, not the higher level conversations.

2 Q. Okay. So first of all, let me see if there's a  
3 way to describe that. Was there any term that you  
4 used during your employment with Tyler to describe  
5 that process that we both discussed, which is the  
6 high level, sitting down with the client,  
7 discussing where they want to go with Tyler  
8 systems?

9 A. Well, that would be their initial consultation.

10 Q. Okay.

11 A. Client consultation conversations. And like I  
12 said, those were handled with more senior type  
13 persons.

14 Q. Okay. So throughout your employment with Tyler,  
15 you never participated in those initial  
16 consultation conversations?

17 A. No, I did not.

18 Q. Okay. During your three- to four-month shadow  
19 period, what would be your estimate of your weekly  
20 hours worked on average?

21 A. I would say it would be about 45 to 50 hours.  
22 That's at the client's site. I'm not talking  
23 about travel time or anything like that.

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1 Q. Okay. So during the three- to four-month period  
2 when you were shadowing more senior implementers,  
3 you estimate that you would work 45 to 50 hours  
4 per week, but that that does not include the  
5 travel time?

6 A. That is correct.

7 Q. And let me ask you: Does that estimate change  
8 after you started doing the implementations on  
9 your own after this shadow period?

10 A. Yes.

11 Q. What is the change?

12 A. I would say work days would end -- would start as  
13 early as maybe 7:30 if there had to be a  
14 conference call with our project manager. And  
15 once leaving the client's site, if documentation  
16 needed to be reviewed, I would work sometimes  
17 until 8:00, 9:00, 10:00 in the evening getting  
18 prepared for the next day.

19 Q. Okay. So if I asked you what your average hours  
20 were during the time after this shadow period,  
21 what would your estimate be for that period of  
22 time on a weekly basis?

23 A. I'm trying to do the math in my head. So if you

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1 say on an average about 10, 12 hours a day. So  
2 that calculates to times five days a week. How  
3 much is that?

4 Q. So 50 --

5 A. Fifty --

6 Q. -- to 60 hours?

7 A. Yes, I'm sorry, 50 to 60.

8 Q. And again, is it your testimony that we could  
9 discern the exact number of hours that you worked  
10 on a weekly basis if we looked at these expense  
11 reports that you mentioned?

12 A. Yes, you could. However, those little expense  
13 half-sheet reports that I was referencing earlier,  
14 that will only -- that only shows just the hours  
15 we were physically at the client's site, not  
16 additional work before arriving at the client's  
17 site or once you leave the client's site, back at  
18 the hotel room.

19 Q. Okay. So if I understand your testimony  
20 correctly, those expense report sheets would not,  
21 in fact, show every hour that you worked at Tyler?

22 A. Right. And you're saying expense report sheets.  
23 But in my mind, those are not expense report

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1 sheets.

2 Q. What do you call them?

3 A. I can't remember. I'm sorry. I can't remember

4 the name. But the expense report sheets, those

5 were actually the ones that showed like your

6 travel time, your airline reservation, your hotel

7 reservation. But there was -- it was some type of

8 client reporting, and it was a three-part sheet.

9 And if I remember correctly, there was a white,

10 yellow, and pink copy. And the client signed the

11 sheet where you had every day listed from the

12 first day you came to the last day you left. And

13 each day you would indicate what you covered at

14 the client's site. And then at the end on Friday

15 or Thursday afternoon, whenever the assignment was

16 over for that week, the client would sign off.

17 And I think it was the yellow copy of the sheet

18 was attached with our expense report. I'm sorry.

19 I don't remember the name of the sheet. But the

20 client always had to sign off on that particular

21 sheet.

22 Q. Okay. So as I understand your testimony just now,

23 you described two different types of documents.

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1           So first you have to build those employee  
2           records. So when you're looking at this Excel  
3           spreadsheet, even though it may say payroll under  
4           there, it would say, "Employee record setup" --

5   Q.   Okay.

6   A.   -- or something of that nature.

7   Q.   Okay. So the actual calendar would indicate not  
8           only payroll but the type of payroll training that  
9           you would be performing?

10  A.   The type of processes, yes.

11  Q.   Got it. And what you just described, the building  
12           the employee records, setting up the  
13           beneficiaries, the deductions from payroll, that's  
14           the type of -- that's what you mean when you say,  
15           "Getting the group started on the process" --

16  A.   That is --

17  Q.   -- the initial steps?

18  A.   That is correct, yes.

19  Q.   And so that's the type of training you performed?

20  A.   That is correct.

21  Q.   Okay. So I take it that you would be -- for the  
22           training you would be doing, you wouldn't  
23           necessarily be training end users with respect to



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1            functionality; but you would be training people  
2            who would be setting up the system at the  
3            customer?

4    A.    That is correct.

5    Q.    Did these people have some particular designation  
6            or title?

7    A.    The people that I generally worked with were  
8            people that actually worked in payroll processes,  
9            actually worked in HR. So they were familiar with  
10           their old processing system. And now we're  
11           plugging this information into the new system, so  
12           -- and verifying that everything from their old  
13           system has moved over correctly to the new  
14           software system.

15   Q.    Okay. I take it the calendar would tell you how  
16           long you were supposed to be at a particular  
17           location?

18   A.    Yes.

19   Q.    Did you ever have any role in -- and again, we're  
20           now talking about the three to four months --

21   A.    Yes.

22   Q.    -- while you were on your own. Did you ever have  
23           any role in setting up the calendar or the agenda?

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1 A. No.

2 Q. That was done by Jodi?

3 A. Yes.

4 Q. When you were doing the initial training, had the  
5 customer already been converted -- as we defined  
6 that term earlier -- to the Tyler system?

7 A. Sometimes.

8 Q. Was there anything it depended on or was it just  
9 -- did it vary?

10 A. There was various reasons. Sometimes when they  
11 did the initial conversion, there may have been  
12 problems with the conversion processes so the  
13 programmers had to figure out what -- kind of  
14 troubleshoot the software to see what the  
15 situation was. But normally it was mostly all  
16 converted.

17 Q. Okay. Okay. When you went to Iowa -- I think you  
18 said you took two trips to Iowa?

19 A. I believe so, two.

20 Q. Was that for the same customer?

21 A. Yes, yes, it was.

22 Q. Why did you only have to make two trips to Iowa  
23 versus the many weeks that you went back to



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1 Newport News? Was that a function of the number  
2 of people that had to be trained or something  
3 else?

4 A. The number of people. I believe in Iowa it was  
5 only about 200 employees. And I was just doing  
6 the initial piece, setting up employee benefit  
7 information.

8 Q. And what about in Newport News? Was it more  
9 employees that had to be trained then?

10 A. Yeah. They had whole departments of persons. And  
11 their employee database was as much as between  
12 7,000 and 10,000 employees. So the various  
13 different departments that go along with that.

14 Q. Was there any type of recordkeeping that you were  
15 required to do that summarized your work?

16 MS. BAGLEY: Object to the form.

17 Q. (Mr. McKeeby) Did you have -- does the term trip  
18 reports mean anything to you?

19 A. Yeah. Those trip reports again -- and I think  
20 that's what these little half sheets of paper  
21 might -- I'm sorry. The trip reports, yes. The  
22 trip reports was like a summary once the week was  
23 complete that you wrote up what you did every day

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1 with the client, what was accomplished, any  
2 questions that the client may have had, any  
3 unresolved issues that may need to be addressed by  
4 a person more senior than myself, which was Jodi.

5 Q. But you were the person that drafted the trip  
6 report?

7 A. Yes, I was.

8 Q. And was that done, you said, on a weekly basis?

9 A. Yes, it was.

10 Q. But it summarized daily activities?

11 A. Yes, it did.

12 Q. What did you do with the trip reports, just give  
13 them to Jodi?

14 A. They were e-mailed to Jodi, yes. Jodi, and I  
15 think a copy also went to Penny.

16 Q. You copied Penny on the e-mail?

17 A. I believe so, yes.

18 Q. In terms of the training that you conducted as an  
19 implementation specialist, was it classroom style  
20 training typically?

21 A. Yes.

22 Q. So there would be multiple people in the class?

23 A. Yes, there would be.

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1 Q. And they would all have laptop computers?

2 A. No.

3 Q. You would have a projection of a laptop?

4 A. A projection of the laptop. Some of them did have  
5 their own laptop. And some people just worked off  
6 the screen. But generally, most times there was a  
7 laptop available in the training room.

8 Q. For each person who was attending the training?

9 A. Yes. Most times there was.

10 Q. And how did you know how to conduct the training  
11 at a particular location in terms of what to show  
12 the people in the classroom?

13 A. That was based on the experience I had from  
14 shadowing the more senior persons. And then  
15 before going to a particular location, Jodi would  
16 -- we would have a conversation and discuss what  
17 the needs of the clients were and what I would be  
18 training the client on.

19 Q. Was that documented, the kinds of training that  
20 the client would need, or was that just something  
21 conveyed to you in communications orally with  
22 Jodi?

23 A. Orally with Jodi. And it would also be shown on

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1           those Excel spreadsheets I was referencing  
2           earlier.

3    Q.    The calendar?

4    A.    The calendar, yes.

5    Q.    Was there anything like a project report or  
6           anything like that that you reviewed in connection  
7           with deciding what type of -- how to conduct the  
8           training?

9    A.    No.

10   Q.    Give me an example of the kind of information you  
11           received from Jodi regarding what type of needs  
12           the client had? What type of things would she  
13           tell you in those conversations?

14   A.    In those conversations she would tell me, of  
15           course, where I was going, who the senior  
16           management person was that I would be reporting  
17           to, and then go into detailing what I would be  
18           providing to the users as far as their training.

19           For example, if we were going to be setting up  
20           employees' accounts into the system, that is what  
21           she would reference, "You will be building or  
22           setting up employee records into the database."  
23           If we were running a payroll, she would say, you

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1 know, "You're going to teach them the steps of how  
2 to process or run a payroll." And so you walk the  
3 users through each step of the process.

4 Q. And you would know how to do that based on the  
5 training and studies that you did prior to that  
6 time?

7 A. That is correct.

8 Q. And when she would indicate the senior management  
9 person to whom you would be reporting, you're  
10 talking about someone at the customer site?

11 A. That is correct.

12 Q. Not another Tyler employee?

13 A. No. At the customer site.

14 Q. Was Jodi typically at the customer site with you  
15 while you were doing implementations?

16 A. No.

17 Q. It was -- you did this on your own?

18 A. I was there on my own except at Newport News.

19 There was -- and I think her name was Patricia.

20 She would be like on the same equal level as Jodi  
21 but assigned permanently there at the Newport News  
22 site.

23 Q. Would she be with you in the room while you were

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1 requirements from you an assessment of how well  
2 the trainees were doing?

3 A. Yes, that is correct.

4 Q. And again, the document -- no, this is the trip  
5 report that you're talking about?

6 A. Yes, the trip report, yes.

7 Q. Okay.

8 A. Because when you're doing an implementation, you  
9 know, it's set up by time periods how long it's  
10 going to take from the initial startup to the  
11 client being on their own.

12 Q. Are you familiar with the concept of going live?

13 A. Yes.

14 Q. And let me give you the description that I  
15 understand so that you can --

16 A. Okay.

17 Q. -- then tell me if we're on the same page.

18 A. Okay.

19 Q. And I'm going to speak at a fairly general level.  
20 I understand that going live means the process by  
21 which a client moves from its old systems to Tyler  
22 systems and starts inputting information into the  
23 system about its employees in the context of the



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1 payroll. Is that a fair characterization? And if  
2 not, why not?

3 A. Okay. What you just described is part of the  
4 implementation process. When you speak of the go-  
5 live, that is when, actually, Tyler turns over the  
6 processing to the client and they're processing on  
7 their own and just contacting Tyler for questions  
8 through their call center.

9 Q. Okay. Were you -- and that actually has to happen  
10 at a particular time?

11 A. That is correct.

12 Q. And my question for you is, were you at the client  
13 site when the client went live?

14 A. In Newport News, yes.

15 Q. But not in the other location that you mentioned?

16 A. No.

17 Q. How long -- well, let me ask you this: What were  
18 your functions at Newport News when the client  
19 went live?

20 A. I was with -- again, that was during my shadowing  
21 time period. And what I was doing was  
22 specifically reviewing the reports that came out  
23 to make sure that the employee record information

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1 was all entered into the system correctly so when  
2 they began their new payroll processing all the  
3 payrolls would come out correctly.

4 Q. Okay. Let me ask you this in connection with the  
5 period of time when you were on your own, that  
6 three- to four-month period.

7 A. Uh-huh.

8 Q. Were you ever at the customer facility during that  
9 three- to four-month period when the customer went  
10 live?

11 A. No.

12 Q. The functions that you described that occurred  
13 while you were in the shadowing period, running  
14 reports, entering employee information, the  
15 behind-the-scenes work involving building  
16 processes as well as troubleshooting, did you  
17 perform those same functions during the three- to  
18 four-month period that you were on your own?

19 A. Yes.

20 Q. Were there any other functions that were different  
21 from those functions that were performed while you  
22 were in the shadowing period?

23 A. No.